



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 4 - NORTHERN IRELAND DEPARTMENT OF HEALTH**

Introduction

1. In my [Opening Statement](#) on 21 July 2022, I explained that Modules would be announced and opened in sequence, with those wishing to take a formal role in the Inquiry invited to apply to become Core Participants for each module. On 5 June 2023, the Inquiry opened Module 4 and invited anyone who wished to be considered as a Core Participant to that Module to submit an application in writing to the Solicitor to the Inquiry by 30 June 2023.
2. The Inquiry has published the [Provisional Outline of Scope](#) for Module 4, which states that this module will consider a range of issues relating to the development of Covid-19 vaccines and the implementation of the vaccine rollout programme in England, Wales, Scotland and Northern Ireland. Issues relating to the treatment of Covid-19 through both existing and new medications will be examined in parallel. Further modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
3. On 30 June 2023 the Inquiry received an application from NI Department of Health ("the Applicant") for Core Participant status in Module 4. This Notice sets out my determination of the application.

Application

4. Applications for Core Participant status are considered in accordance with Rule 5 of the Inquiry Rules 2006, which provides:

5.—(1) The chairman may designate a person as a core participant at any time during the course of the inquiry, provided that person consents to being so designated.

(2) In deciding whether to designate a person as a core participant, the chairman must in particular consider whether—

(a) the person played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates;

(b) the person has a significant interest in an important aspect of the matters to which the inquiry relates; or

(c) the person may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.

(3) A person ceases to be a core participant on—

(a) the date specified by the chairman in writing; or

(b) the end of the inquiry.

5. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I considered whether the application fulfils the requirements set out in Rule 5(2) in relation to the issues set out in the Provisional Outline of Scope for Module 4.

Summary of Application

6. The Applicant is the Northern Ireland Department of Health (DOH), one of nine Northern Ireland Departments. The application explains that the DOH has a statutory responsibility to promote an integrated system of health and social care designed to secure improvement in: the physical and mental health of people in Northern Ireland; the prevention, diagnosis and treatment of illness; and the social wellbeing of people in Northern Ireland.
7. The DOH contends that, during the pandemic, it played a direct and significant role in informing the government of Northern Ireland (through the Minister for Health) in relation to matters related to vaccines and therapeutics in Northern Ireland. In particular it is said that the Applicant played a key role in the implementation of the vaccine rollout programme in Northern Ireland, including examining the reasons for unequal vaccine uptake and addressing identified disparities. Further, the Applicant states that it advised the Minister for Health, who in turn advised the government in Northern Ireland, on the differences in approach in Northern Ireland and other governments in the UK and/or the differences in approach with the Republic of Ireland in respect of the vaccine rollout.

8. The Applicant points to the fact that the Minister of Health held responsibility for advising the Northern Ireland Assembly on what the vaccine policy would be in Northern Ireland, which was based on recommendations from the Joint Committee on Vaccination and Immunisation (JCVI). The Applicant explains that the DOH established a separate Northern Ireland Covid-19 vaccine programme board in July 2020, which set the direction for the Northern Ireland vaccination programme. By October 2020, the DOH led the planning and implementation of the Covid-19 vaccination programme. This included the DOH developing various vaccination protocols, which had to be authorised by the Minister for Health, and directing the establishment of necessary infrastructure, such as a telephone booking line. The Applicant points to differences in Northern Ireland that impacted upon the vaccination programme, including the lack of a central register for carers and the land border with the Republic of Ireland.
9. The application explains that, in December 2021, the DOH established the Covid-19 Therapeutics Oversight Board, which set the overall strategy for the deployment of novel Covid-19 therapeutics in Northern Ireland and oversaw the development and implementation of a coordinated system-wide approach to deployment.
10. The application is put on the basis that the DOH satisfies the requirements of Rule 5(2)(a) and (b). The Applicant contends that it played a direct and significant role in relation to decision-making in respect of vaccines and therapeutics, and that it has a substantial interest in Module 4 of the Inquiry, as it will continue to assume its role and functions in respect of any future vaccine programme.

Decision for the Applicant

11. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, to designate the Applicant as a Core Participant in Module 4.
12. Module 4 will consider a range of issues relating to the development of Covid-19 vaccines and the implementation of the vaccine rollout programme in England, Wales, Scotland and Northern Ireland. Thematic issues relating to unequal vaccine uptake will be examined, to include the identification of groups which were the subject of unequal uptake, potential causes of such unequal uptake and the Government response. The

module will also address issues of public concern relating to vaccine safety and the current system for financial redress under the UK Vaccine Damage Payment Scheme. Issues relating to the treatment of Covid-19 through both existing and new medications will also be examined.

13. I consider that the Applicant satisfies Rule 5(2)(a). It played a direct and significant role in relation to Module 4 matters because of its decision-making function in Northern Ireland concerning vaccine delivery and new therapeutics. Further, I consider that the Applicant has a significant interest in these aspects of Module 4 and therefore satisfies the requirements of Rule 5(2)(b).

Legal Representation

14. Applications for designation as the Recognised Legal Representative of a Core Participant are governed by Rules 6 and 7 of the Inquiry Rules 2006, which provide:

6.—(1) Where—

(a) a core participant, other than a core participant referred to in rule 7; or

(b) any other person required or permitted to give evidence or produce documents during the course of the inquiry, has appointed a qualified lawyer to act on that person's behalf, the chairman must designate that lawyer as that person's recognised legal representative in respect of the inquiry proceedings.

7.—(1) This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that—

(a) their interests in the outcome of the inquiry are similar;

(b) the facts they are likely to rely on in the course of the inquiry are similar;
and

(c) it is fair and proper for them to be jointly represented.

(2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.

(3) Subject to paragraph (4), any designation must be agreed by the core participants in question.

(4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.

15. I am satisfied that the Northern Ireland DOH has appointed Ms Sara Erwin of the Departmental Solicitor's Office as its qualified lawyer in relation to this Module. I therefore designate Ms Erwin as the Northern Ireland DOH's recognised legal representative in accordance with Rule 6(1).
16. Directions will be given in relation to applications for an award under section 40(1)(b) of the Inquiries Act 2005 of expenses to be incurred in respect of legal representation, at the forthcoming preliminary hearing. I will determine any such applications in accordance with the provisions of section 40 of the Inquiries Act 2005, the Inquiry Rules 2006, the [Prime Minister's determination](#) under section 40(4) and the [Inquiry's Costs Protocol](#).

Rt Hon Baroness Heather Hallett DBE
Chair of the UK Covid-19 Inquiry
17 July 2023